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| To                        | Company                    | Fax Number   | Phone Number |
|---------------------------|----------------------------|--------------|--------------|
| 1. Examiner Joseph Torres | U.S.P.T.O., Art Unit: 2133 | 571-273-3829 | 571-272-3829 |

  

| Date              | Client/Matter Number  |
|-------------------|-----------------------|
| February 8, 2005  | MP0096 (213200-06125) |
| From              | Application Number    |
| Andrew J. Bateman | 10/074,747            |
| Phone             | Fax                   |
| 202-625-3547      | 202-339-6042          |

  

Total number of pages, including cover letter: 2  
If you do not receive all of the pages, please call: 202.625.3515

## Comments

Re: Agenda for interview on February 24, 2005, at 2:00 pm  
U.S. Application No. 10/074,747

Examiner Torres,

If you have not yet received the tentative agenda for our upcoming interview, enclosed is a copy of that agenda. I apologize for the delay in sending the agenda to you. If you should have any questions, please do not hesitate to contact me at 202-625-3547.

Regards,



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| Date      | Time |
|-----------|------|
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## Memorandum

**To:** Examiner Joseph D. Torres

**From:** Andrew J. Bateman, Reg. No. 45,573 **AB**

**Date:** February 4, 2005

**Re:** Agenda for Personal Interview at 2:00 pm on February 24, 2005, to discuss Office Action received in connection with U.S. Patent Application No. 10/074,747

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The following is a proposed agenda of the topics and issues to be discussed during the interview tentatively scheduled for Thursday, February 24, 2005, at 2:00 pm.

As an overview, it is desired to discuss or at least touch upon each of the objections and rejections cited in the current Office Action mailed December 22, 2004. In particular, the following topics will be addressed during the interview:

1. Discuss 35 U.S.C. § 112, first paragraph rejections of claims 65-74 and 88-97, as listed on pages 3-4 of the Office Action. In particular, there appears to be some confusion on the part of the Patent Office regarding the nature and scope of "computer readable medium" claims, which will be discussed.
2. Discuss 35 U.S.C. § 112, second paragraph rejections of claims 1-10, 24-33, 38-47, 65-74, 88-97, 102-111, 118-137, 155-164 and 171-180, as listed on pages 5-7 of the Office Action. In particular, there appears to be some confusion on the part of the Patent Office regarding the features and scope of these claims, which will be discussed. For example, the recitations of a communication encoding method and a disk drive are proper and the respective claims do not omit essential items. In addition, there again appears to be some confusion on the part of the Patent Office regarding the nature and scope of "computer readable medium" claims, which will be discussed. Furthermore, the recitation of certain features in the claims is not indefinite, as will be shown and discussed.
3. Discuss 35 U.S.C. § 101 rejections of claims 1-10, 38-47, 65-74, 88-97, 102-111, 118-137, 155-164 and 171-180, as listed on pages 8-10. It is respectfully submitted that these claims recite statutory subject matter, in accordance with, for example, M.P.E.P. §§ 2106-2106.02. Additionally, there again appears to be some confusion on the part of the Patent Office regarding the nature and scope of "computer readable medium" claims, which will be discussed.
4. Discuss 35 U.S.C. § 102(e) rejections of claims 1-10, 24-33, 38-47, 65-74, 88-97, 102-111, 118-137, 155-164 and 171-180 as allegedly being anticipated by Nazari. It is respectfully submitted that Nazari does not disclose numerous features recited in the claims of the present application.

If the Examiner should have any questions regarding this agenda or require any further information, please do not hesitate to contact Andrew J. Bateman at 202-625-3547.